

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA ex rel.)
MATTHEW BURKE and DAVID CURTIN,)
Plaintiffs,)
v.) Civil Action No: 16-cv-345(W)
ROBERTO MANGI f/k/a ROBERTO)
MANGIARANO,)
MARINA AFRA a/k/a MARINA MANNINO)
a/k/a MARINA MANGIARINO, individually)
and in her capacity as partner/member/)
shareholder of FUNDING MERCHANT)
SOURCE, NY, INC., FUNDING MERCHANT)
SOURCE, LLC, FMS CAPITAL, LLC JET)
STREAM CAPITAL, GOTHAM CAPITAL, INC,)
ELEVATION CAPITAL, LLC, and MERCY)
FALLS, LLC,)
LAWRENCE ("LARRY") SCHIAVI, individually)
and in his capacity as owner/partner/manager/)
shareholder of BOOST BUSINESS FUNDING,)
LLC, FUNDING MERCHANTSOURCE, LLC,)
GOTHAM CAPITAL, INC., and ELEVATION)
CAPITAL, LLC,)
NEIL WALSH, individually and in his capacity)
as partner/managing member/shareholder of)
BOOST BUSINESS FUNDING, LLC, FUNDING)
MERCHANT SOURCE, LLC, GOTHAM)
CAPITAL, INC., and ELEVATION CAPITAL,)
LLC)
LUIS DANIEL MENDEZ, individually and in his)
capacity as partner/member of BOOST)
BUSINESS FUNDING, LLC, FUNDING)
MERCHANT SOURCE, LLC, GOTHAM)
CAPITAL, INC., and ELEVATION CAPITAL,)
LLC)
JENNIFER RETAS, individually and in her)
capacity as partner/shareholder of FUNDING)

MERCHANT SOURCE NY, INC.,)
)
MARIA BENTLEY, individually and in her)
capacity as a partner/member of BOOST)
BOOST BUSINESS FUNDING, LLC,)
)
SOHRAB STEVEN AFRA a/k/a STEVEN)
AFRA, individually and in his capacity as)
partner/member of GOTHAM CAPITAL, INC.,)
FMS CAPITAL LLC, and MERCY FALLS, LLC,)
)
BOOST BUSINESS FUNDING, LLC,)
)
FUNDING MERCHANT SOURCE NY, INC.,)
)
FUNDING MERCHANT SOURCE, LLC,)
)
FMS CAPITAL, LLC,)
)
JET STREAM CAPITAL,)
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GOTHAM CAPITAL, LLC,)
)
MERCY FALLS, LLC,)
)
ELEVATION CAPITAL, LLC,)
)
JOHN DOE COMPANIES 1-10,)
Defendants.)
)

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the Realtors/Plaintiffs David Curtin and Matthew Burke, by and through their counsel, hereby gives notice that the above captioned action is voluntarily dismissed, without prejudice against Defendants. The requested Voluntary Dismissal is proper pursuant to F.R.C.P.41(a)(1)(A)(i) because Realtors/Plaintiffs' Notice of Voluntary Dismissal is sought before the opposing party has served either an Answer or a Motion for Summary Judgment.

Realtors/Plaintiffs understand that the United States consents to this dismissal and will separately submit a notice providing their written consent as required under 31 U.S.C. § 3730(b)(1).

DATED: April 17, 2019
Buffalo, NY 14202

FLYNN|WIRKUS|YOUNG, P.C.



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CERTIFICATE OF SERVICE

The undersigned, Scott R. Orndoff, hereby certifies that the foregoing **Notice of Voluntary Dismissal** was served via first-class mail on the following agencies pursuant to FRCP Rule 4(i)(1)(A)(i), this 17th day of April, 2019.

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530-0001

Kathleen Lynch, Esquire
Assistant United States Attorney
Western District of New York
138 Delaware Avenue
Buffalo, NY 14202



Scott R. Orndoff